

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	2:21-CR-027
	)	
SEAN CHRISTOPHER WILLIAMS	)	

**UNITED STATES' PROPOSED QUESTIONS FOR VIOR DIRE**

Comes now the United States of America, by and through the United States Attorney for the Eastern District of Tennessee, in accordance with Court order and pursuant to Rule 24(a)(2)(B) of the Federal Rules of Criminal Procedure respectfully requests that this Court include in its examination of prospective jurors the questions listed below:

1. Has any juror, relative or close friend of any juror ever been the subject of an investigation or a prosecution by any agency of the United States Government, or any other, state, or local law enforcement agency?
2. Do you have a member of your family, or close friend a member of the Armed Forces currently overseas? If yes, please indicate whether, due to current events you will not be able to give your full attention during the trial.
3. Without inquiring into any juror's particular religious beliefs, does any juror have a religious belief or moral philosophy that would prevent him or her from rendering a verdict in this case, either guilty or not guilty, based on the evidence and the Court's instructions on the law?

4. Are you, a member of your family, or close friend a lawyer? If yes, please indicate whether your relationship with that individual left you with a negative, positive, or neutral impression of judges, the judicial system, prosecutors, defense attorneys, or lawyers in general.
5. Have you ever had any legal training, taken legal courses, or ever worked in a law office?
6. The function of the jury is to decide questions of fact. You are the sole judge of the facts and nothing that the Court or parties say or do may encroach in any way on your role as the exclusive fact finder. When it comes to the law, however, you are to take your instructions from the Court, and you are bound by those instructions. You may not substitute your notions of what the law is or what you think it should be. At the conclusion of this case, your job will be to determine whether the defendant is guilty as charged in the indictment. Does any juror have any bias or prejudice that might prevent him or her from accepting the instructions of law that the Court will give you in this case?
7. The Government is required to prove its case beyond a reasonable doubt. If the Government proves its case beyond a reasonable doubt, do you have any reason, morally, philosophically, or ethically, why you could not go into the jury room and convict a defendant?
8. For you to convict the defendant, the Government must prove guilt beyond a reasonable doubt. Reasonable doubt is doubt based on reason and common sense

and not proof beyond a shadow of the doubt. Is there anyone on the panel who could not convict a defendant unless they were certain of that person's guilt, even if you felt there was no reasonable doubt as to the defendant's guilt?

9. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt. Possible doubts or doubts based purely on speculation are not reasonable doubts. A reasonable doubt is a doubt based on reason and common sense. It may arise from the evidence, the lack of evidence, or the nature of the evidence.
10. Are there any other reasons why you believe you could not fairly and impartially serve as a juror?
11. Is there anyone on the panel who believes that the Government should have a higher burden of proof, such as proof of guilt beyond a shadow of a doubt or proof beyond all possible doubt?
12. Elements are separate parts of the law. The Government must prove each one beyond a reasonable doubt. The Government does not have a burden that goes beyond proving the elements of the crime. Can you assure that you will require that the Government prove the elements of the crime to convict, but that you will not go beyond that and require the Government to prove every fact in the case?
13. The Government is not required to prove the defendant's motive in this case. The Government does not have to prove why someone committed a crime, if the Government proves the elements of the crime as set forth by the judge. People commit crimes for many reasons. A person may commit a crime because he wants

to impress his/her friends, to feel important or powerful, for a thrill, or to express anger or violent feelings. You may find after listening to the evidence that motive has been established, or you may never determine the defendant's motive. But if the evidence proves that the defendant acted with the intent required by law and committed the crime, can you assure that you will find the defendant guilty regardless of the motive for his crime?

14. The law requires that you base your verdict on the facts as you find them to be from the evidence. The law does not permit you to consider any emotion such as sympathy, prejudice, vengeance, fear, or hostility. Do you feel that you are a person who cannot put these emotions out of your mind when deliberating on a verdict?
15. Could you follow the Court's instruction that anything you may have seen or heard outside the courtroom or while the Court is not in session is not evidence and must be disregarded? Do you understand that you are to decide the case solely on the evidence received at trial?
16. As a juror, your job will be to determine this case using your common sense, the facts in evidence and the law. It's common sense, facts, and law that govern here, not the fantastical scenarios or speculation of tv or a book. Do you think you can use your common sense to determine this case based on the facts and the law, by the standards of real life, and not by the standards of tv or a book?

17. Would you tend to excuse or overlook a criminal offense if you believed it was committed for motives, reasons, or purposes with which you are sympathetic?
18. Will you be able to decide this case solely upon the evidence presented, as opposed to deciding it based on anything you may have seen or heard previously?
19. Can you be fair and open to the testimony of the witnesses, remembering that they are real people trying their best to remember events that happened some time ago, even though they have perceived or remembered some things slightly differently from each other?
20. Has anyone had an experience, whether at work, at home, or elsewhere, where you had to decide whether someone was telling the truth? Do you understand that you may have to decide whether someone is or is not telling the truth as part of your assessment of the evidence in this case? In that assessment you can consider all, part or none of a witness's statement.
21. Is there anyone who thinks they would have significant difficulty in determining whether someone is or is not telling the truth, if necessary, in assessing the evidence in this case?
22. You are to determine the credibility of a witness, that is, to believe all, a portion, or none of a witness's testimony. It is possible that some witnesses may testify who speak differently than you, or dress in a different manner. Can you listen to the content of their testimony and judge their credibility based on the Court's instructions and the content of what they say, and not as they appear?

23. You understand that law enforcement officers are like everyone else in the world. They sometimes make errors. You must evaluate a law enforcement officer who testifies as an individual, and neither automatically reject nor accept his/her testimony simply because he is a law enforcement officer. Would you have any difficulty with that?
24. Do you have any beliefs that would make it difficult for you to fairly apply the laws of the United States in a criminal case involving the alleged escape or attempted escape from lawful custody?
25. As mentioned, this case involves allegations of attempt. Attempt is simply an incomplete form of some other offense – in this case, the incomplete form of escape from legal custody.
- a. Do you understand that if the Government were to meet each element of the attempted escape offense beyond a reasonable doubt, you will be required to find the defendant guilty of the offense even though it was not successfully completed.
  - b. An example of an attempt offense would be a person who attempts to pick a pocket. The attempt is still a crime even if the pocket turns out to be empty.
26. Is there anyone here who would find it hard to believe that a person charged with a crime would talk to the police? There are many reasons why a person might want to make a statement to the police. A person might have feelings of guilt, or

want to minimize his actions, or try to explain or excuse what he did. Will you be able to have a totally open mind to the evidence that defendant made statements amounting to a confession to the police?

27. In this case, the defendant will represent himself. The law does not allow the Court to assist him, or to relax the rules that apply to the trial of this case. Likewise, the attorneys for the Government must treat the defendant as if he was trained as an attorney. Further, the fact that the defendant is representing himself must not enter your deliberations if you are chosen as a juror in this case. Will the fact that the defendant is representing himself cause anyone on the panel to be less than fair and impartial as a juror to either side in this case?
28. Your duty, as jurors, is to judge whether defendant is guilty or not guilty based on the evidence. It is my duty as the judge to determine punishment if you vote guilty. The law does not permit you to consider the issue of punishment because there are other factors that have nothing to do with this trial that will determine the sentence a defendant receives. Would you vote "Not Guilty" no matter what the evidence indicates, merely because this crime may result in a prison sentence even though you do not know whether it will or not?
29. Is there anyone here who feels that they must be able to consider a defendant's punishment to decide whether a defendant is guilty?
30. Every defendant is presumed innocent and cannot be convicted unless the jury, based solely on the evidence in this case, unanimously decides that guilt has been

proven beyond a reasonable doubt. The burden of proving guilt rests entirely with the Government. The defendant has no burden at all. Is there anything about that fact that would prevent you from being fair and impartial in this case to either the defendant or the Government?

31. The law does not compel a defendant in a criminal case to take the witness stand and testify. A defendant is presumed innocent, and no presumption of guilt or inference of any kind may be drawn if a defendant does not testify. Is there anything about that fact that would prevent you from being fair and impartial in this case to either the defendant or the Government?
32. The defendant is not compelled to testify; at the same time, the defendant has elected to represent himself in this case. Can you agree that his statements, questions, and arguments are not testimony and do not hold any evidentiary value greater than the statements, questions, and arguments made by the attorneys for the Government in this case?
33. Do you believe that our laws provide defendants with too many rights? Too few rights?

Respectfully submitted,

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